

**REMARKS**

In accordance with the foregoing, claims 10, 13, 22 and 23 have been cancelled without prejudice, and claims 11, 12 and 16 have been amended. New claims 24-27 have been added. Therefore, after entry of the foregoing claim amendments, claims 11-12, 14-17 and 24-27 remain under consideration.

***Rejections under 35 U.S.C. 103(a)***

Claims 10-17 and 22-23 stand rejected as being unpatentable over Awad et al. (U.S. 2004/0022177) (hereinafter “Awad”) in view of Tiedemann et al. (U.S. 2007/0206623) (hereinafter “Tiedemann”). Claims 10, 13 and 22-23 have been cancelled herein and, thus, the rejections thereof are considered moot. The remaining rejections are respectfully traversed and reconsideration is requested. The following is a comparison between embodiments of the present invention and the cited art.

Independent claim 11, as amended herein, recites a transmission rate varying unit which measures a quality of a channel for the terminal apparatus and performs a processing of varying a transmission rate of an uplink according to the quality, the processing involving the temporary stoppage of data communication in an uplink and downlink; a receiving unit which receives request signals from the terminal apparatus via the communication unit; a detector which detects information on whether the downlink is set to be prioritized, from signals received by the receiving unit; and a communication control unit which causes the transmission rate varying unit to perform the processing of varying the transmission rate of the uplink if the downlink is not set to be prioritized and causes the transmission rate varying unit to stop the processing of varying the transmission rate in the uplink and maintains the transmission rate of the uplink if the downlink is set to be prioritized, wherein prioritization of the downlink as set in the information detected by the detector is determined by the terminal apparatus. (Support can be found throughout the Application, and particularly by Fig. 1 and the associated written description).

Awad discloses base stations and user equipment (UE) communicating with each other, where a transmission rate is adjustable based on transmission quality ranges. Moreover, Tiedemann is merely cited as disclosing stopping the processing of varying the transmission rate and maintaining the transmission rate if the one of the uplink and downlink set to be prioritized is different from the uplink or downlink subject to variation of the transmission rate by the transmission rate varying unit, wherein the transmission rate varying unit stops data communication in the uplink and downlink in order to execute the processing of varying the transmission rate.

However, none of the cited references, alone or in combination, teaches or even suggests the foregoing features of amended claim 11. That is, the prior art fails to teach at least transmission rate varying unit which measures a quality of a channel for the terminal apparatus and performs a processing of varying a transmission rate of an uplink according to the quality, the processing involving the temporary stoppage of data communication in an uplink and downlink; a receiving unit which receives request signals from the terminal apparatus via the communication unit; and a communication control unit which causes the transmission rate varying unit to perform the processing of *varying the transmission rate of the uplink if the downlink is not set to be prioritized* and causes the transmission rate varying unit to *stop the processing of varying the transmission rate in the uplink and maintains the transmission rate of the uplink if the downlink is set to be prioritized*, as recited in claim 11.

Therefore, it is respectfully submitted that amended independent claim 11 patentably distinguishes over the cited art, alone or in combination. Independent claims 12 and 16 are similarly amended herein to recite features substantially similar to those described above with respect to claim 11. Accordingly, all independent claims, as well as the pending dependent claims, are submitted to be in condition for allowance.

### ***New Claims***

New independent claims 24-27 are directed to methods and computer-readable media, corresponding to amended claims 11 and 12. New claims 24-27 recite features substantially similar

to those described herein and are submitted to be allowable for at least the foregoing reasons. Support may be found at Fig. 1 and the corresponding written description.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 278542003500. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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